

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

17 JUN 2008

Applicant's or agent's file reference

PA141957/PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/IB07/51948

International filing date (day/month/year)

23 May 2007 (23.05.2007)

Priority date (day/month/year)

06 June 2006 (06.06.2006)

International Patent Classification (IPC) or both national classification and IPC

IPC: **G06Q 40/00**(2006.01)

USPC: 705/4

Applicant

DISCOVERY HOLDINGS LIMITED.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US
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Date of completion of this opinion

12 May 2008 (12.05.2008)

Authorized officer

Joseph Thomas

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB07/51948

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
- ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
- a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
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International application No.
PCT/IB07/51948

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-4</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-4</u>	NO
Industrial applicability (IA)	Claims <u>1-4</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-4 an inventive step under PCT Article 33(3) as being obvious over Kodama et al., Publication No. US 2002/0143585, in view of Hardesty, U.S. Patent No. 6,105,865.

As per claim 1, Kodama et al. teaches a method of managing an insurance plan (see abstract of Kodama et al.), the method including: calculating a premium payable by the member, wherein the premium is reduced by a percentage (see page 1, paragraphs 0015-0016 of Kodama et al.). However, Kodama et al. does not explicitly teach calculating expenditures and a reduction percentage of the premium. Hardesty, however, does teach a method including: calculating an amount of expenditure of a member using a credit or debit card issued to the member (see column 1, lines 25-67 through column 2, lines 1-10 of Hardesty); and using the calculated amount of expenditure to reduce the premium by a percentage of the amount of expenditure of the member using the credit or debit card issued to the member (see column 1, lines 25-67 through column 2, lines 1-10 of Hardesty). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Kodama et al. One of ordinary skill in the art would have been motivated to combine these features in order to promote use of a particular credit and to induce merchants to participate (see column 1, lines 28-30 of Hardesty).

As per claim 2, Kodama et al. and Hardesty teach the method of claim 1 as described above. Hardesty further teaches a method further including calculating a number of points earned by the member in an incentive program operated by the insurer or a third party, wherein the percentage used to reduce the premium amount is determined based on the number of points earned in the incentive program (see column 1, lines 25-67 through column 2, lines 1-10 of Hardesty).

System claims 3-4, repeat the subject matter of claims 1-2 as a set of "means-plus-function" elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Kodama et al. and Hardesty in the above rejection of claims 1-2, it is readily apparent that the Kodama et al. and Hardesty reference includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 1-2 and incorporated herein.